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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,573

06/26/2003

Todd Karakashian

ORACL-01282US1

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09/03/2009

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EXAMINER

SHAW, PELING ANDY

ART UNIT

PAPER NUMBER

2444

NOTIFICATION DATE

DELIVERY MODE

09/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OFFICEACTIONS@FDML.COM

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/606,573	Applicant(s) KARAKASHIAN ET AL.	
	Examiner PELING A. SHAW	Art Unit 2444	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 1-3,6,8-13,15,16,18-21 and 23-28.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/William C. Vaughn, Jr./
 Supervisory Patent Examiner, Art Unit 2444

/P. A. S./
 Examiner, Art Unit 2444

Continuation of 11. does NOT place the application in condition for allowance because:

a. Amendment received on 08/18/2009 has been entered into record. Claims 20 and 23 are amended. Claim 20 and 23's objections are withdrawn.

b. Applicant argued that Amirisetty does not teach or suggest the limitation of "a protocol adapter that intercepts the invoke request, converts the message format of the invoke request, and creates an initial message context including the invoke request, a placeholder for a response, and information about a transport" (see 1st and 2nd paragraph on page 8 of current amendment). Amirisetty has disclosed (column 9, lines 14-20) a CCI adaptor provides a unified representation for client interaction; (claim 36) an adapter receives high-level function call, map high-level call, drives a series of low-level function calls, perform one or more transformation of high-level function call to make a plurality of low-level calls; (column 13, lines 13-25) a service wrapper receives requests via Java APIs for XML or XML-based remote procedure call; (column 9, lines 44-46) application uses Business XML; (column 10, lines 30-35) Business XML is converted to protocol XML; (column 8, lines 10-21) sequence of low-level function calls perform high-level function, collect and return results; in light of paragraphs 16, 24 and 27-28 of applicant's specification and (column 15, lines 20-41) read the property set to determine the connector to talk to, the connection specification and the caller identity. These seem to read upon the argued limitation. As claim 1 further describes how the protocol adapter works, including receiving, modifying the initial message with conversion of the message formats in the argued limitation and further specification on the conversion and creation of a message context. This seems to match what were quoted from Amirisetty as an adapter, particularly as shown in claim 36 of Amirisetty. Thus the claimed invention seems to be fully disclosed with references from Amirisetty.

c. Applicant's further arguments on the limitation on "an interceptor" (see 3rd and 4th paragraphs on page 8 of current amendment) seem to discuss the similar subject matter as on the limitation of "a protocol adapter". Similar or addition references from Amirisetty are quoted to address the limitation. It seems that Amirisetty does have this limitation as well.